



**Liquor & Tobacco Advisory Board Agenda
Tuesday, March 16, 2021
6:00 P.M. – City Council Chambers, 2nd floor, City Hall
via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7163**

Present:

ZBA Members:

Jennifer Smith
Kim Johnsen
Jennifer Spencer
Craig Sockwell
Tom Fabiano

Absent:

Dan Roszkowski
Maurice Redd

Staff:

Angela Hammer- City Attorney
Brooke Benoit- Assistant City Attorney
Megan McNeill- Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Ebron Tyson – Videographer
Jeremy Carter - Traffic Engineer

Others:

Kylie Bunke- Court Stenographer
Applicants and Interested Parties

In the absence of Dan Roszkowski, Kim Johnsen filled in as the Chair of the LTAB. Ms. Johnsen stated that this meeting was being held remotely as the Mayor has determined that an in-person meeting is not practical or prudent because of the COVID-19 pandemic.

Scott Capovilla explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the COVID-19 pandemic and social distancing restrictions, this public hearing for the Zoning Board of Appeals was held by video conference, using Cisco Webex. The audio was streamed at City Hall in Council Chambers and on the City's website.

As the host, he would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: written public comments being submitted by 5:00 pm, on March 16, 2021, to Board Secretary Leisha Kury's email, or the City's permit center located on the first floor at City Hall or coming to City Hall to listen to the meeting and present any comments in Council Chambers.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted
- No person will be allowed to speak unless they are first recognized by the Chair
- All votes will be by roll-call
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to Staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Scott" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties present at City Hall or any emails to be read into the record. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and state and spell their name for the record. Legal staff will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions raised.
- Interested party at City hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The LTAB meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the LTAB meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, March 22, 2021, at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this

process is the City Council. That vote is tentatively scheduled on Tuesday, April 5, 2021. If the item is laid over at the ZBA meeting, the next meeting is Tuesday, April 20, 2021. If for any reason the item is laid over at the committee level or on the city council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 6:33 PM. A **MOTION** was made by Jennifer Spencer to **APPROVE** the February 17, 2021 meeting minutes. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0.

20-LTAB-084

Applicant
Ward 10

4846 East State Street

Jamal Abedrabbo / 815 Hookah City Corp. dba 815 Hookah Lounge
The sale of tobacco products in conjunction with a hookah lounge in a C-3, General Commercial Zoning District
Laid over from September, October, November, December and January

Mustafa Abdall, was present on behalf of the Applicant, Jamal Abedrabbo. Mr. Abdall is requesting a layover as the applicant would like to fulfill the requirements of the new Hookah Ordinance by next month's meeting.

A **MOTION** was made by Jennifer Smith to **LAYOVER** the sale of tobacco products in conjunction with a hookah lounge in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 via roll call vote.

21-LTAB-004

Applicant
Ward 10

3725 East State Street

Nancy Macias / Tacos San Jose, Inc. dba Hacienda San Jose
Modification of existing liquor license to serve liquor Friday through Sunday until 2:00 a.m. from the current 1:00 a.m. and to allow outdoor seating area with liquor sales in conjunction with a restaurant and video gaming terminals in a C-3, General Commercial Zoning District

Attorney Jim Rodriguez, was present on behalf of the applicant, Nancy Macias. The subject property is located on the south side of East State Street approximately 700 feet east of Fairview Boulevard. Mr. Rodriguez is seeking a modification of existing liquor license to request the hours of operation from 1:00 a.m. to 2:00 a.m. and to allow an outdoor seating area with liquor sales. Mr. Rodriguez stated his client is willing to amend that request to 1:30 a.m. Nancy Macias has been in business for approximately 28 years at this location, the menu will not change, and the restaurant will be operated the same way it has been operating. Mr. Rodriguez stated the big change will be the outdoor seating area, which has been submitted to staff. Exhibit F is the site plan and shows how and where the outdoor seating will be located. The outdoor seating area will be located on the east side and it will be constructed on a portion of the parking lot. The restaurant will lose some parking spaces, but they have discuss with staff and came to an agreement to have a shared parking easement with the property on the west. This will allow for overflow parking, especially on busy days and hours. The layout for the outdoor seating will have the following; overhang roof, tables and chairs, and a bar. It will also have retaining walls made of landscaping blocks. Staff has recommended his client install a landscaping island next to the spaces by the sidewalk and they are working with the architect to meet that criteria.

City Attorney Angela Hammer asked Attorney Rodriguez if his client has reviewed staff recommendations and if he agrees with the conditions. Mr. Rodriguez responded his client agrees to the conditions but would like to discuss condition nine (9) as they would like to request to have liquor service until 1:30 a.m. Friday and Saturday.

The board had a discussion on the hours of operation for liquor service within the interior of the restaurant and in the proposed outdoor seating area. The board came to an agreement to approve inside liquor service until 2:00 a.m. on Friday through Sunday but decided to close the outdoor service for the

outdoor seating area at 10:00 pm Sunday through Thursday and 12:00 am (midnight) on Friday and Saturday per the Staff's conditions. The board was concerned about noise from the outdoor seating area after 10:00 p.m.

Staff Recommendation is for Denial of the extended liquor hours on the weekend and Approval of the outdoor seating area with fifteen (15) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** Modification of existing liquor license to serve liquor Friday through Sunday until 2:00 a.m. from the current 1:00 a.m. and to allow outdoor seating area with liquor sales in conjunction with a restaurant and video gaming terminals in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0 via roll call vote.

Approval is based on the following conditions:

1. Meeting all applicable Building and Fire codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Window display signage shall be limited to 20% of the window surface area.
4. There shall not be a cover charge, dance floor, DJ's and/or live entertainment.
5. The proposed use shall not operate as a nightclub.
6. Submittal of a landscaping plan that includes landscaping islands adjacent to the sidewalk but opposite the existing decorative walls and reconfiguration of the Handicapped parking stalls for Staff's review and approval.
7. The sale of liquor by the drink in the outdoor seating area shall be limited to the area as shown on Exhibit E.
8. The outdoor seating area is required to close at 10:00 pm Sunday through Thursday and 12:00 am (midnight) on Friday and Saturday.
9. Security with Metro Enforcement on Friday and Saturday night from 10:00 p.m. until closing per the business plan Exhibit H.
10. Submittal of a shared parking agreement with adjacent properties for overflow parking.
11. That the windows shall not be covered with bars or other devices that block the windows.
12. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
13. All outstanding general ordinance fines must be paid prior to the issuance of the license.
14. All conditions must be met prior to establishment of use.

21-LTAB-005

Applicant
Ward 6

2837 11th Street

Yara 9, LLC dba Gas Mart

The **sale of packaged liquor** and **the sale of tobacco products** in conjunction with a gas station and convenience store in a C-3 General Commercial District

Attorney Jim Rodriguez, was present on behalf of the applicant, Yara 9, LLC. The subject property is located on the northwest corner of the Reed Avenue and 11th Street intersection. The parcel is mostly surrounded by commercial uses but has residential uses to the west. Attorney Rodriguez stated he is requesting approval for the sale of packaged liquor and tobacco products for the site previously known as the Penny Pincher, located at 2837 11th Street. The property has been vacant since 2019. It was previously a convenient store with a gas station for a number of years. The applicant has purchased the property and would like to operate this property as a convenience store along with a gas station. The owner plans to sell snack and grocery items, general merchandise products along with liquor and tobacco products. The owner plans to leave the layout how it currently is but will remodel the interior. Attorney Rodriguez stated they plan to work with staff on the exterior portion of this property to include some green space. The will also work with staff to get an updated sign.

City Attorney Angela Hammer asked Attorney Rodriguez if his clients agree to hire private licensed security upon written request from the Liquor/Tobacco Commissioner. Mr. Rodriguez responded they do agree and they will be installing 16 interior cameras along with 4 exterior cameras with a 30 day video back up. City Attorney Hammer asked if the applicant has reviewed staff recommendations and if they agree with the conditions of approval. Mr. Rodriguez responded that they agreed.

Staff Recommendation is for Approval with seventeen (17) conditions. No Objectors or Interested parties were present. No email was read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of packaged liquor and the sale of tobacco products in conjunction with a gas station and convenience store in a C-3 General Commercial District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 5-0 via roll call vote.

Approval is based on the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Submittal of Building Permit for Staff review and approval.
4. Submittal of a detailed site plan showing the parking spaces for Staff's review and approval.
5. Submittal of a landscaping plan that includes plant species and size for Staff's review and approval.
6. Submittal a Dumpster Enclosure Permit and dumpster detail for Staff review and approval
7. Submittal of a revised interior floor plan that indicates the location of the packaged liquor and tobacco products for Staff review and approval.
8. The property shall be developed as per revised site and landscaping plans.
9. The hours of operation and days will be 5:00 A.M. to 12:00 A.M. (Midnight) Monday through Sunday.
10. There shall be no single serving sales of beer or wine in volumes of 16 oz. or less.
11. The sale of rose tubes, airplane-sizes bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
12. The windows shall not be covered with bars or other devices that block the window.
13. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
14. Window display signage is limited to 20% of window area.
15. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
16. All outstanding general ordinance fines must be paid prior to the issuance of the license
17. All conditions must be met prior to establishment of use.

21-LTAB-004

Applicant
Ward 1

7403 Argus Drive

Alfonso Galluzzo / Gerry's Pizza, Inc. dba Gerry's Pizza
Modification of existing liquor license to add video gaming terminals in conjunction with a restaurant in a C-3, General Commercial Zoning District

Attorney Greg Cox was present, on behalf of the applicant, Alfonso Galluzzo. The subject property is located on the southeast corner of Sundae Drive and Argus Drive. Attorney Cox stated they are seeking a modification of an existing liquor license to add video gaming at Gerry's Pizza which has been a long standing restaurant since 1984 located on Argus Drive. Gerry's Pizza has always been a restaurant that has sold liquor and is not consider a bar. They have a seating area which they use for banquets and this space would be an appropriate area to add the video gaming.

City Attorney Angela Hammer asked Attorney Cox where the proposed site for video gaming is located on Exhibit G. Mr. Galluzzo responded the video gaming will be located on the east wall, not far from the front doors. City Attorney Hammer asked if they are proposing a separate area for the video gaming

terminal. Attorney Cox responded there is already a separate area. City Attorney Hammer stated it is not shown on the exhibit. Mr. Galluzzo stated the video gaming will be in the banquet area. Scott Capovilla pointed out the exhibit listed in the report was incorrect and it was actually shown on Exhibit F.

Kim Johnsen asked Attorney Cox if he is aware that staff recommendations is for denial. Attorney Cox responded he is aware of that and he believes there is no indication from staff recommendation that this is an inappropriate location. Attorney Cox stated it appears that it's more on staff end as it appears they only have a limited number of licenses available. Attorney Cox stated there are sufficient license available within the City and does not find it fair to deny this location.

Tom Fabiano stated this business has been around for over 35 years and if there is still licenses available they should be granted. Jennifer Smith stated she agrees with Mr. Fabiano and they are not even close to the gap of VGTS. Ms. Smith stated they should put a limit on machines on the conditions.

Kim Johnsen asked Staff if they could give clarification on the numbers available for video gaming. City Attorney Hammer responded the 496 reflect the number of video gaming terminals according to the Illinois Gaming Board for the City of Rockford. The 478 reflect the number of video gaming terminal permits issued by the City's Finance Department. The 575 reflect the number of video gaming terminal permits that have been approved by City Council but may not have been issued for reasons such as not meeting the conditions of approval yet. Ms. Johnsen stated technically there are still 25 video gaming terminal permits available to issue. City Attorney Hammer responded that was correct.

Staff Recommendation is for Denial. No Objectors or Interested parties were present. No email was read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** Modification of existing liquor license to add video gaming terminals in conjunction with a restaurant in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 5-0 via roll call vote.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The hours of operation will be 11:00 A.M. to 1:00 A.M. Monday through Saturday and 11:00 A.M. to 12:00 A.M. (Midnight) on Sunday.
4. Window display signage is limited to 20% of window area.
5. The windows shall not be covered with bars or other devices that block the window.
6. The restaurant and bar shall not have a cover charge, dance floor, DJ's or live entertainment.
7. The proposed use shall not operate as a nightclub.
8. The proposed use and facility shall be limited to four (4) video gaming terminals.
9. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
10. All outstanding general ordinance fines must be paid prior to the issuance of the license
11. All conditions must be met prior to establishment of use.

With no further business to come before the Board, the meeting was adjourned at 7:35 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals